1947.

File No.: Essen Commodities II/47

Legal DEPARTMENT pt. I

B BRANCH

K

Subject:—

Rules and Notifications under the Bombay Essential Commodities and Cattle (control) Act, 1946.

(For subsequent papers please see pt. II)

File No. Essent Commodities II/47.
Std. Sectt. Slip 41 B a.

22-B

C O N T E N T S.

Legislative Department File No. Essential Commodities 11/47 Part I.

Sr. No.	Compilation No.	Subject	pages.
		The Bombay Essential Commodities and Cattle (Control) Act, 1946.	
1.	UR to H.C. No. -1 dated 8-1-47	Secs. 3 & 4 - Notifications under	1 - 6
2.	UR to HC No. 91 dated 4-1-47	Sec. 4 - Notification under putting restriction on movement of milk -	7 - 11
3.	UR to CSD(Estt) No. 4607 dt. 6-5-47	Sec. 3 - Notification under -	13 - 16
4.	UR to CSD No 5112 dated 19-5-47	Forms of Notices under -	17 -22
5.	UR to CSD No. 5760 dated 2-6-47	Sec. 4(2) - Notification under - putting restriction on Umbrellas-	23 -26
6.	UR to CSD No. 5916 dated 5-6-47	Sec. 4 - Order under -	27 -30

S.R.C 15/5

MK 14/6

(Mins) S.V.C./16-5

SC.

ORDER.

Civil Supplies Department,

Bombay Castle, 194 .

Bombay Essential Commodities and Cattle (Control) Act, 1946.

No. SC/E-501-B(1) :- In exercise of the powers conferred by section 4 of the Bombay Essential Commodities and Cattle (Control Act, 1946 (Bom. XXII of 1946), the Government of Bombay is pleased to direct that at any place in the areas specified in the Schedule hereto annexed, no person shall sell or cause to be sold milk, from which cream is separated, at a price higher than 3 as. per pound.

SCHEDULE.

(Here specify the areas).

By order of the Governor of Bombay,

Sd/-

Secretary to Government.

(Miss) K.V.C.

15-5

4C.

ORDER.

Civil Supplies Department,

Bombay Castle, 194 .

Essential Supplies (Temporary Powers) Act, 1940.

No. SC/E-501-3(2) :- In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1940), read with the Government of India, Department of Food, Notification, No. FT-303 (3) I, dated the 31st October 1946, the Government of Bombay is pleased, with the previous concurrence of the Central Government, to direct that at any place in the areas specified in the Schedule hereto annexed, no person shall sell or cause to be sold milk cream at a price higher than Re 1-8 as, per pound.

SCHEDULE.

(Here specify the areas)

By order of the Government of Bombay,

Sd/-

Secretary to Government.

Miss)R.V.S./15-8

42.

Office of the R.b.A.

In place of the proposed draft Order at page 13 ante, revised draft Orders under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946) in respect of milk fro which cream is seperated, and under section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), in respect of milk cream, are sent herewith.

2. The order under section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946 will affect a class of persons. In addition to its publication in the Bombay Government Gazette the order should therefore be published as required by section 6(1)(a) of the Bombay Essential Commodities and Cattle (Control) Act, 1946 also in the manner prescribed by the Bombay Essential Commodities and Cattle (Control) (Publication of General Orders) Rules, 1946 (Vide Government Notification, Civil Supplies Department, No. SCS/Sett. dated 21st December 1946 at page 203 of the Bombay Government Gazette, Part IV-B, dated the 26th December 1946).

3. As regards the other order which is covered by clause (c) of sub-section (2) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 it may be pointed out that the Central Government has delegated the necessary powers to the Provincial Government by its Notification in the Department of Food, No. PY 6C3 (2)-I dated the 21st October 1946 issued under the Ordinance bearing the same title. This notification is kept in force by section 17(2) of the said Act. The proposed order can therefore be issued under the said section 3 read with the said Government of India notification. Under section 3(1)

P.T.O.

read with section 2(d) of this Act the order is required to be published in the Official Gazette only.

Sd/- D.V.Vyas.
Remembrancer of Legal Affairs.

U.R. to Milk Commissioner's Office No. 1,
dated the 2nd January 1947.

(Miss)
K.V.G./15-5
4C.

Office of the R.L.A.

It appears that the order of the District Magistrate, Belgaum No. W.P. C/G, dated the 21st August 1946 at page 3 prohibiting the removal of milk and milk products from any place within the limits of the Belgaum district, was issued under rule 81(2) of the Defence of India Rules. As milk has been included in Schedule I to the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946), the said Order of the District Magistrate Belgaum continues in force under section 5 of Bom. XXII of 1946, as regards milk, As regard milk products, the said Order of the District Magistrate Belgaum continues in force under section 17(2) of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with section 5 of the Essential Supplies (Temporary Powers) Ordinance, 1946 (Ordinance No. XVIII of 1946). Accordingly, two revised draft Orders under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, read with the Government of India, Department of Food, Notification No. PY-603(2) I, dated the 21st October 1946, which is kept alive under section 17(2) thereof, as regards milk products, superseding the said Order of the District Magistrate Belgaum No. W.P.C./G, dated the 21st August 1946, are sent herewith. Both the revised Orders should be published in the Official Gazette, as required by section 4(1) read with section 2(3) of Bom. XXII of 1946 and section 3(1) read with section 2(d) of Act XXIV of 1946. The revised Order under section 4(1) of Bom. XXII of 1946 should, in addition to its publication in the Official Gazette, be published in accordance with the rules made in that behalf, as requir by section 6(1)(a) of Bom. XXII of 1946.

Sd/- D.V.Vyas.
Remembrancer of Legal Affairs

K.V.G./15-5
4C.

Civil Supplies Department,

Bombay Castle, 194 .

ORDER.

Bombay Essential Commodities and Cattle (Control) Act, 1946.

No. EC/E-117B(a):- In exercise of the powers conferred by section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, (Bom. XXII of 1946), and in supersession of the Order No. W.P.C./G., dated the 21st April 1946, made by the District Magistrate, Belgaum, in so far as it relates to milk, the Government of Bombay is pleased to order that with effect from the day of 1947, no person shall remove by rail, road, water or air, milk from any place within the limits of the Belgaum District to any place in the Province of Bombay outside the limits of the said district, except under and in accordance with a permit granted by the District Magistrate, Belgaum or by an officer authorised by him in this behalf :

Provided that no such permit shall be necessary for the carrying of milk not exceeding 5 lbs. in weight as part of his personal luggage by a bonafide traveller.

By order of the Governor of Bombay

Sd/-

Secretary to Government.

W.C./16-5

4 C.

Civil Supplies Department,

Bombay Castle, 1947.

ORDER.

Essential Supplies (Temporary Powers) Act, 1946.

No. MC/M-117/B(b) :- In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with the Government of India, Department of Food, Notification, No. PY-603(2) I, dated the 21st October 1946 and in supersession of the Order No. W.P.C./G, dated the 21st August 1946, made by the District Magistrate, Belgaum, in so far as it relates to milk products including cream, butter, ghee and khava, the Government of Bombay is pleased, with the previous concurrence of ~~Bombay is pleased, with the previous concurrence of the~~ Central Government, to order that with effect from the date of 194 , no person shall remove by rail, road, water or air, milk products including cream, butter, ghee and khava from any place within the limits of the Belgaum District to any place within ~~the limits of the Belgaum District to any place in~~ the Province of Bombay outside the limits of the said district, except under and in accordance with a permit granted by the District Magistrate, Belgaum or by an officer authorised by him in this behalf :

Provided that no such permit shall be necessary for the carrying of any milk product not exceeding 5 lbs. in weight as part of his personal luggage by a bona fide traveller.

2. Any Court trying a contravention of this Order may direct that any property in respect of which the Court is satisfied that the Order has been contravened shall be forfeited to His Majesty.

By order of the Governor of Bombay,

Sd/-

~~Sd/-~~ Secretary to Government.

K.V.G./16-5

Office of the R.L.A.

In place of the proposed draft notifications at pages 39 and 41 which are intra-vires section 3 and section 5 of the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946) in respect of umbrellas, revised drafts thereof, are sent herewith. It is presumed that Schedule I to the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946) has not been further amended after Government Notification, C.S.D., No. 805/IV, dated 2-11-1946 and that in the City of Bombay and the Bombay Suburban District the Provincial Government will make orders under section 4, which are intended to be made by the District Magistrates within their respective jurisdiction.

Sd/- P.Noland.
6/5

Remembrancer of Legal Affairs.

U.O. to C.S.L. (Cott.) No. 4607 dated the 6th May 1947.

V.C./ 10-5

4C.

NOTIFICATION.

Civil Supplies Department,

Bombay Castle, 1947.

Bombay Essential Commodities and Cattle (Control) Act, 1946.

No. 808/Sett :- In exercise of the powers conferred by section 3 of the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946), the Government of Bombay is pleased to direct that the following addition shall be made to Schedule I to the said Act, name

"17. Umbrellas."

By order of the Governor of Bombay,

Sd/-

Secretary to Government.

(iss) K.V.U. /15-8

4C.

Office of the R.L.A.

In accordance with the ruling of the Bombay High Court in Sheth Chinubhai Lalbhai vs. Emperor, I.L.R. (1940) Bom. 687, followed by the Patna High Court in Kanhai Sahu vs. King Emperor, I.L.R. 20 Patna 181, the addition of the words "or class of persons" in clauses 3 and 4 of the Bombay Essential Commodities (Regulation of Disposal and Acquisition) Order, 1947, cuts down the meaning of the expression "any person" therein and confines it to any designated person or persons. The reference to all persons in the Civil Supplies Department draft forms of notices at pages 49 and 51 is not therefore in order and has been omitted in the revised drafts which refer only to class classes of persons. The class of persons on whom the notices will be served should be specifically mentioned in the notices before they are issued in the revised forms.

Sd/- P.H.Lad
19-5

Remembrancer of Legal Affairs.

U.R. to C.S.D., No. 5112 dated the 10th May 1947.

(g)K.V.S./19-5

A.C.

NOTICE.

In pursuance of clause 3 of the Bombay Essential Commodities (Regulation of Disposal and Acquisition) Order, 1947, I,.. .....District.. Magistrate, ... hereby direct that .....*..... ..... residing in the.. ..... district, shal furnish on or before the .....**..... to .....***..... a full and correct statement declaring the stocks of the essential commodities exxxffi specified in Schedule I, in the form specified in Schedule II, annexed hereto, held by them at any place within the said district, whether on their own account or on account of or in partnership with any other person, if such stocks amount to or exceed ..... maunds of 82/2/7 lbs. each.

* specify class of persons.

* * date to be filled in

*** Officer to whom the declaration of stocks is to be made.

SCHEDULE I.

Essential Commodities.

SCHEDULE II.

Form of declaration of stocks.

Date..... District Magistrate.

NOTICE.

In pursuance of clause 4 of the Bombay Essential Commodities (Regulation of Disposal and Acquisition) Order, 1947,

I, ...

Rationing Officer,
Mamlatdar,
District Magistrate, hereby direct

that with effect from .....*.....

.....**.....

.....

shall except with ~~a~~ permit issued by

.....††.....

use, remove, sell or otherwise dispose of or cause to be used, removed, sold or otherwise disposed of the stocks of the essential commodities specified in the Schedule annexed hereto exceeding .....

.....maunds of 82 2/7 lbs. each, at present held by them whether on their own account or on behalf of any other person in.....@.....

.....

SCHEDULE.

[Here insert the stocks of the essential commodities.]

Rationing Officer
Mamlatdar
District Magistrate

Place .....

Date.

* Date to be filled in

** specify class of persons.

†† Officer issuing permit.

@ place where stocks are held.

(Miss) E.V.C. 11-8

4C.

Office of the H.L.A.

A revised draft order is sent herewith subject to the following observations:-

(a) Since Government intends to fix prices in respect of umbrellas throughout the Province of Bombay, it may issue executive instructions to the District Magistrates not to exercise the powers delegated to them by the Civil Supplies Department Order No. 805/Estt.(a), dated the 8th May 1947, in so far as it relates to the controlling of prices of umbrellas.

(b) It is presumed that the prices fixed are in respect of retail sale only. This is made clear in the Schedule to the revised draft order.

(c) It is desirable that the Order should require a dealer to issue a cash memo. This will provide a good piece of evidence if the excessive price is charged by a dealer. An additional clause (5) to that effect has been embodied in the revised order.

2. The view taken in the C.S.D. office note at p. 23 ante is correct. The Order being of a general nature, should be published in the manner prescribed by rules made under section 16 of the Bombay Essential Commodities and Cattle (Control) Act, 1946.

Sd/- P.H.Lad.
Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 5766 dated the 2nd June 1947.

Miss) K.V.S./14-6

40.

Civil Supplies Department,
Bombay Castle, 1947.

ORDER.

Bombay Essential Commodities and Cattle (Control) Act, 1946.

No. :- In exercise of the powers conferred by sub-section (2) of section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, (Bom. XXII of 1946), the Government of Bombay is pleased to make the following Order :-

1. No dealer in the Province of Bombay shall sell umbrellas manufactured in the Province of Bombay of the qualities specified in column 1 of the Schedule hereto annexed at prices, higher than those respectively specified against them in column 2 thereof.

2. No such dealer shall require a purchaser to purchase as a condition of sale of the umbrella any other article.

3. No such dealer shall refuse to sell an umbrella without reasonable cause;

Explanation :- The expectation or possibility of obtaining a higher price at some future date shall not be deemed reasonable causes for the purposes of this clause.

4. Every such dealer shall display and keep displayed in a conspicuous position in his place of business a copy of this order.

5. Every such dealer shall issue a cash memorandum or other memorandum relating to the sale of an umbrella giving full particulars thereof.

SCHEDULE.

Qualities of Umbrellas.	Maximum retail price per umbrella.
1.	2.
Superior umbrellas made with	Rs. a. p.

P.T.O.

celluloid handles and cloth,

the cost of which is over

10 annas per yard.

Umbrellas made with wooden handles and cloth, the cost of which is over 10 annas per yard.	Rs. 7-0-0
Umbrellas made with Malbar Bamboo Handles and cloth, the cost of which is 10 annas or less per yard.	Rs. 5-4-0
Umbrellas made with Calcutta Bamboo handles and cloth, the cost of which is 10 annas or less per yard.	Rs. 4-4-0

By Order of the Governor of Bombay,

Sd/-

Joint Secretary to Government.

(Miss) K.V.G./14-5

4 C.

Office of the S.L.A.

A revised draft Order is sent herewith subject to the following observations:-

(1) The definition of "manufacturing establishments" has been included in the definition of "industries" which is very wide and includes manufacturing undertakings.

(2) The Civil Supplies Department may prescribe and insert at the end a form of Permit referred to in clause 8 of the revised draft Order.

(3) Clause 4 of the C.S.O. Draft :- The provision of this clause in so far as it authorises the officers mentioned in that clause to "dispose of the stock or stocks of charcoal in question as deemed fit" is even otherwise ultra vires clause (j) of sub-section (2) of section 4, and the more so since section 10(2) of the Essential Commodities and Cattle (Control) Act, 1946, confers that power on Courts.

2. The Order, being of a general nature, should be published in the manner prescribed by rules made under section 16 of the Act".

Sd/- P.N.Lal.

Remembrancer of Legal Affairs.

U.O. to C.S.O. No. 6916 dated the 6th June 1947.

(Misc) K.V.G.

14-6

Civil Supplies Department,

Bombay Castle; 1947.

ORDER.

Bombay Essential Commodities and Cattle (Control) Act, 1946.

No. 958/IV-F :- In exercise of the power conferred by section 4 of the Bombay Essential Commodities and Cattle (Control) Act, 1946 (Bom. XXII of 1946), the Government of Bombay is pleased to make the following Order, namely :-

1. (1) This Order may be called the Restricted Use of Charcoal Order, 1947.

(2) It extends to the Bombay City and the Bombay Suburban District as constituted immediately before the 1st day of October 1945.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context -

(1) "charcoal" includes medium and khar quality of charcoal, Badami or compressed charcoal, charcoal dust and charcbal pieces;

(2) "catering establishments" includes hotels, restaurants, eating houses, cafes, tea shops, coffee stalls, free feeding centre and every other place of refreshment open to the public clubs, canteens and other similar establishments;

(3) institutions" includes hospitals, sanatoria, convalescent homes, nursing homes, orphanges, workhouses, infirmaries, asylums, boarding schools (providing meals for day-boarders) and other similar establishments;

(4) "residential establishments" shall not include private households but shall

include boarding houses, apartment houses, residential hotels, hostels, nurses homes, boarding schools (without any day-boarders) and other similar establishments;

(8) "industries" means undertakings requiring the use of charcoal in the process of production, manufacture or finish of any article and includes bakeries and confectionaries and other similar establishments.

3. No person shall acquire or use or cause to be acquired or used (i) charcoal for the purpose of any catering establishments, institutions residential establishments, or industries or (ii) for running a vehicle fitted with a gas plant, without a permit from the Controller of Rationing, Bombay, or the Additional Director of Civil Supplies (Charcoal and Firewood), Bombay, or persons authorized by them in this behalf. Permits issued under this Order shall in the Form appended to this Order.

4. If any person contravenes the provisions of clause 3 of this Order, the Chief Inspector for Charcoal and Firewood, the Special Officer for Charcoal, the Charcoal and Firewood Inspectors or any person authorised by the Additional Director of Civil Supplies (Charcoal and Firewood), in this behalf may enter upon and search the premises and seize charcoal with coverings thereof, in respect of which this Order has been contravened.

Form of Permit
(clause(3))

By order of the Governor of Bombay,

Sd/- D.S.Bakhle.
Secretary to Government.

(Miss)K.V.G.